

# 3300

## **SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION RULES** **28 TAC §5.4183**

**1. INTRODUCTION.** The commissioner of insurance adopts the repeal of 28 TAC §5.4183, Allocation Method for Other Lines of Insurance, which is used to determine the premium surcharge required by 28 TAC §5.4171 for other applicable lines of insurance in the event of a catastrophe. The repeal is adopted without changes to the proposal published in the February 14, 2014, issue of the *Texas Register* (39 TexReg 898). The repeals are related to a separate rule adoption published in this issue of the *Texas Register* concerning the association's procedures for making and assessing premium surcharges under Insurance Code Chapter 2210, Subchapter M.

**2. REASONED JUSTIFICATION.** Repeal of 28 TAC §5.4183, Allocation Method for Other Lines of Insurance, is necessary to implement HB 3, 82nd Legislature, 1st Called Session, 2011. Section 50 of HB 3 amended Insurance Code §2210.613(c) to specify the lines of property and casualty insurance policies. Because the amendments to §2210.613 eliminate the lines of insurance subject to the premium surcharge under §5.4183, the section is no longer necessary and should be repealed as outdated.

**3. HOW THE SECTIONS WILL FUNCTION.** Adoption of the repeal will eliminate policy premium surcharge determination requirements for lines of insurance no longer subject to premium surcharges.

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**4. SUMMARY OF COMMENTS AND AGENCY RESPONSE.** TDI received no comments on the published proposal.

**5. STATUTORY AUTHORITY.** Insurance Code §36.001 provides that the commissioner of insurance may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state. Insurance Code §2210.008 provides that the commissioner may issue orders and adopt rules in the manner prescribed by Insurance Code §36.001, as reasonable and necessary to implement Chapter 2210.

**6. TEXT.**

## **SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION RULES**

### **28 TAC §5.4183. Allocation Method for Other Lines of Insurance**

**CERTIFICATION.** This agency certifies that legal counsel has reviewed the adopted repeal and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on May 16, 2014.

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Sara Waitt  
General Counsel  
Texas Department of Insurance

The commissioner adopts the repeal of 28 TAC §5.4183.



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Julia Rathgeber  
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **3300**